

**CITY OF SOMERVILLE, MASSACHUSETTS  
SOMERVILLE CONDOMINIUM REVIEW BOARD**

*JOSEPH A. CURTATONE  
MAYOR*

***Staff***

Hannah Carrillo  
Sustainable Neighborhoods Coordinator

***Board Members***

Elizabeth Janiak  
Vikram Kanda  
William Medeiros  
Patricha Paul  
Zachary Zasloff,

Chair

**Meeting Minutes  
April 27, 2020 Meeting – 6:00 PM  
Virtual Hearing**

Board Members Present: Elizabeth Janiak, Patricha Paul, Vikram Kanda, William Medeiros\* and Zachary Zasloff

City staff present: Hannah Carrillo (Staff to Condominium Review Board)

Board Chair Zachary Zasloff convened the meeting at 6:00 PM. Chair Zasloff read the following information aloud: Pursuant to Governor Baker’s March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. C. 30A, s. 18, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, as well as Mayor Curtatone’s Declaration of Emergency, dated March 15, 2020, this meeting of the Condominium Review Board will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Note\*- Due to technical issues, board member Medeiros was able to call in and listen to the hearing in its entirety, but was not able to actually participate or vote.

**1. Approval of Meeting Minutes**

A motion and roll call vote was introduced and PASSED 4-0:

Chair Zasloff- Yes

Vice Chair Paul-Yes

Member Kanda- Yes

Member Janiak-Yes

To approve the meeting minutes from the December, 2019 and January 2020 hearings.

There was no quorum to approve the February, 2020 minutes due to various absences over the past several hearings. The February 2020 meeting minutes were tabled for action at a subsequent board hearing.

2. **New Business** – Applications for Preliminary Conversion Permits and Non-Rental Conversion Permits. Board members moved to review each application before the Board.

WARD 2 - PRECINCT 2

Application of Paulo C. DaSilva & Cassia F. Silva, attorney Melissa Hagemeister representing, seeking a Non Rental Conversion Permit for Unit 1 located at 38 Dane St. The \$600 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property is currently owner-occupied, and the owners will be adding four additional units to this parcel and the adjacent parcel which was recently purchased. Also included with the application was a master deed, but no report on the condition of the property has been submitted to date. There were no questions from the Board. Chair Zasloff opened the hearing for public comment, of which there was none.

No waiting period applies.

On a motion duly made and seconded, a roll call vote was called and it was VOTED 4-0:

Chair Zasloff- Yes

Vice Chair Paul- Yes

Member Kanda- Yes

Member Janiak- Yes

To grant a conditional Non Rental Conversion Permit for Unit 1 located at 38 Dane St., conditioned on submission of the report on the condition of the property.

WARD 7 - PRECINCT 3

Application of Jim Lin and Min Hui Xie, attorney Irene Zou representing, seeking a Preliminary Conversion Permit for Unit 1 & Unit 2 located at 529 Mystic Valley Pkwy. The \$600 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant in 2018, and has remained vacant. Following the purchase, the owners renovated both units and now want to convert the units to condominium units. Board member Kanda noted that there was an active MLS listing for this property; board member Janiak clarified that it was listed as a multi-family property, not as condominium units. Board member Kanda reviewed the listing and confirmed that it was listed as a multi-family property, which is acceptable.

Board Member Zasloff asked if the attorney could speak to the lack of previous tenant information. Attorney Zou explained that the property was vacant at the time of purchase, and the previous seller was in a nursing home and passed away prior to the sale, so no further verification was available. The former MLS listing did state there were no tenants in the property, according to attorney Zou. Chair Zasloff clarified that the waiting period would apply, which Hannah Carrillo confirmed. Member Kanda reiterated that the property can only be sold as a multi-family property until the waiting period has lapsed, which attorney Zou acknowledged. A report on the condition of the property was submitted; no master deed has been submitted to date. Chair Zasloff opened the hearing for public comment, of which there was none.

A one year waiting period applies to Unit 1 and Unit 2.

On a motion duly made and seconded, a roll call vote was called and it was VOTED 4-0:

Chair Zasloff- Yes

Vice Chair Paul- Yes

Member Kanda- Yes

Member Janiak- Yes

To grant a Preliminary Conversion Permit for Unit 1 and Unit 2 located at 529 Mystic Valley Pkwy, conditioned on submission of the master deed and the lapse of the one year waiting period.

#### WARD 1 PRECINCT 2

Application of 15 MacArthur Street, LLC, William and Sabrina Mandell, attorney Matt Spang representing, seeking a Non Rental Conversion Permit for Unit 1 located at 15 MacArthur Street. The \$600 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased from owner-occupants in July 2019 and all required verification has been provided. No master deed or report on the condition of the property have been submitted to date.

Board member Janiak noted that the property is listed on MLS as a condominium unit for sale as of April 26, 2020- the day before the meeting at which the case was being heard. Attorney Spang asked for clarification as to what is allowed to be listed on MLS and if it is okay to say the permit is pending. Chair Zasloff responded that without the conditional approval, there is no condominium unit to market, which attorney Spang acknowledged. Chair Zasloff explained that this has come up at several meetings, and he would like to hear from the other Board members.

Member Janiak commented that because it was listed yesterday, she would be open to making an exception given that this did not cause harm to a potential buyer.

Vice Chair Paul expressed the opposite view, stating that this has happened several times and the Board has explained the requirement sufficiently. Member Paul stated that it was important applicants do not continue to market units prematurely, and did not think additional exceptions should not be made.

Attorney Spang asked the Board for leniency, given that they had submitted an application for March initially, and the post was not made until yesterday.

Board member Kanda agreed with Vice Chair Paul that the Board has made the requirement clear and leniency should not be given.

Chair Zasloff stated agreement with member Janiak that because the application was on the agenda for March and also because the property was not a rental unit (meaning no displacement occurred), he was also amenable to an exception being made.

Member Janiak asked for clarification on the penalty for marketing a unit prematurely. Hannah explained the penalty is denial of the application, but that the 6 month waiting period for reapplication would not apply. The applicant will have to pay the application fee again, but they can submit an application for the next hearing.

No public comment was received for this application.

On a motion duly made and seconded, a roll call vote was called and it was VOTED 3-1:

Chair Zasloff- Yes

Vice Chair Paul-No

Member Kanda- No

Member Janiak-No

To deny a preliminary Non Rental Conversion Permit for Unit 1 located at 15 MacArthur St.

### WARD 3 PRECINCT 3

Application of Lee Ann Walsh, attorney Anne Vigorito representing, seeking a Preliminary Conversion Permit for Unit 18 and Unit 18A and a Non Rental Conversion Permit for Unit 20 located at 18-20 Spring St. The \$600 per unit application fee was paid and no real estate taxes or water bills were owed to the City. Units 18 and 18A are fully tenanted, and all tenant documents have been provided. Unit 20 is currently owner-occupied, and verification was provided. Attorney Vigorito stated that the tenants had also waived their right to purchase their units. The applicant intends to continue to occupy Unit 20. No master deed or report on the condition of the property has been submitted as of yet.

Board member Kanda asked about tenant Joshua Blewitt, who indicated that he would consider purchasing their unit, and requested the applicant keep that in mind going forward. Member Kanda also noted that two of the tenants did not indicate their status of low-income, elderly or disabled and requested that be discussed. Attorney Vigorito stated she could reach out to the tenants, but Hannah stated she would confirm with the tenants their understanding of their rights and their response. Vice Chair Paul asked that Hannah check in with additional tenants to ensure they understand their rights given some of the responses regarding how notice was provided. Hannah stated she did inform every one of their rights prior to the hearing, but that she would again confirm with tenants their understanding. Chair Zasloff opened the hearing for public comment, and the following comments were made:

#### Tenants Michelle Carter and Joshua Blewitt- 18 Spring St.

Joshua Blewitt- Joshua explained that he is formally waiving his right to purchase the unit and apologized for any confusion.

Michelle Carter: Michelle shared that Hannah had responded to questions that she (Ms. Carter) had emailed prior to the hearing and thanked Hannah for that. Michelle then asked if they were responsible for paying the rent of roommates who exercise their right to vacate earlier than other roommates. Michelle stated that owner Lee Ann Walsh let the tenants know she did not have an expectation that the units are filled or paid for by remaining tenants. However, Michelle stated she wanted to raise the issue as this as something that is unclear and not addressed in the Ordinance.

Chair Zasloff asked if any other Board members or Staff could speak to the question Michelle posed regarding tenants being responsible for their roommates' rent portions or filling their rooms. Chair Zasloff also expressed appreciation that the property owner had already made it clear that the tenants were not responsible.

Hannah stated that Michelle was correct in that the Ordinance is not explicit about the issue of paying roommates' rent portions in the event they vacate, but that each tenant has the individual right to vacate with 30 days' notice. Regarding the actual rent, the property owner would have to go through the formal rent increase procedure and follow the guidelines in order to raise the rent. Board member Kanda asked whether it was known if the tenants had individual leases or if there was a shared lease. Hannah explained that regardless of the type of tenancy, whether they have a lease or are a tenant at will, they are still entitled to the protections of the ordinance.

Board member Janiak wanted to be sure any tenants in attendance understood that the relocation fee applies to the unit as a whole, and tenants should be paid their portion of the relocation benefit as they vacate. Hannah also confirmed this, and let the tenants know that they should reach out with any additional questions.

Board member Paul thanked the tenants for attending the hearing and sharing their public comment.

After seeing no further public comment, Chair Zasloff closed the public comment period.

On a motion duly made and seconded, a roll call vote was called and it was VOTED 4-0:

Chair Zasloff- Yes

Vice Chair Paul-Yes

Member Kanda- Yes

Member Janiak-Yes

To grant a Conditional Non Rental Conversion Permit for Unit 20 & a Preliminary Conversion Permit for Unit 18 and 18A located at 18-20 Spring St., conditioned on the submission of the master deed, report on the condition of the property, and further clarification from specified tenants that they understand the rights afforded to them, in addition to the lapsing of the tenant notice period.

### WARD 1 - PRECINCT 3

Application of Madeline Scimime, Javaid Aziz representing, seeking a Non Rental Conversion Permit for Unit 1 & Unit 2 located at 38 Otis St. The \$600 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property is currently owner-occupied and has been since 1971. The owner wants to sell the units as condo units. No master deed or report on the condition of the property have been submitted to date. There were no questions from the Board. Chair Zasloff opened the hearing for public comment, but there was none.

No waiting period applies.

On a motion duly made and seconded, a roll call vote was called and it was VOTED 4-0:

Chair Zasloff- Yes

Vice Chair Paul-Yes

Member Kanda- Yes

Member Janiak-Yes

To grant a conditional Non-Rental Conversion Permit for Unit 1 and Unit 2 located at 38 Otis St., conditioned on submission of the master deed and report on the condition of the property.

WARD 7 - PRECINCT 3

Application of Mary T. Gonda, attorney Anne Vigorito representing, seeking a Non Rental Conversion Permit for Unit 1 & Unit 2 located at 78 North St. The \$600 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property is currently fully owner-occupied and verification has been provided. No master deed or report on the condition of the property have been submitted to date. There were no questions from the Board. Chair Zasloff opened the hearing for public comment, but there was none.

No waiting period applies.

On a motion duly made and seconded, a roll call vote was called and it was VOTED 4-0:

Chair Zasloff- Yes

Vice Chair Paul-Yes

Member Kanda- Yes

Member Janiak-Yes

To grant a conditional Non Rental Conversion Permit for Unit 1 and Unit 2 located at 78 North St., conditioned on submission of the master deed and report on the condition of the property.

WARD 3 - PRECINCT 2

Application of Dry Ridge, LLC, John Clawson, Jackson Clawson, Kate Clawson and Teri Behm, owner John Clawson representing, seeking a Non Rental Conversion Permit for Unit 1 & Unit 2 located at 98 Oxford St. The \$600 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased from prior owner-occupants and verification has been submitted. The property is currently under construction, but construction has been stalled due to the coronavirus pandemic. No master deed or report on the condition of the property have been submitted to date. Once construction is complete, Jackson will be living in one of the units, and the other unit will be rented until they are ready to sell it. A report on the condition of the property was submitted, but no master deed has been submitted to date. There were no questions from the Board. Chair Zasloff opened the hearing for public comment, but there was none.

No waiting period applies.

On a motion duly made and seconded, a roll call vote was called and it was VOTED 4-0:

Chair Zasloff- Yes

Vice Chair Paul- Yes

Member Kanda- Yes

Member Janiak- Yes

To grant a conditional Non Rental Conversion Permit for Unit 1 and Unit 2 located at 98 Oxford St., conditioned on submission of the master deed.

The Chair introduced a motion to adjourn the meeting at 7:24pm., which was seconded and accepted.

DRAFT